

**THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

PEABODY MIDWEST MINING, LLC)
AND MICHAEL BUTLER,)
EMPLOYED BY PEABODY)
MIDWEST MINING, LLC)
Petitioners,)
v.)
SECRETARY OF LABOR, MINE)
SAFETY AND HEALTH)
ADMINISTRATION (MSHA) AND)
FEDERAL MINE SAFETY AND)
HEALTH REVIEW COMMISSION,)
Respondents.)
)
Docket No. 22-1242

STATEMENT OF INTENT WITH RESPECT TO DEFERRED APPENDIX

The Petitioners do not intend to use a deferred appendix in this case.

Respectfully submitted,

s/ Ralph Henry Moore, II
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Michael Butler, employed by Peabody
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Statement of Intent with Respect to Deferred Appendix was served upon the following parties on the 6th day of October, 2022 via electronic filing:

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s/ R. Henry Moore, II